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8 **BEFORE THE**  
**BOARD OF REGISTERED NURSING**  
9 **DEPARTMENT OF CONSUMER AFFAIRS**  
10 **STATE OF CALIFORNIA**

11 In the Matter of the Accusation Against:

Case No. **2011-569**

12 **STEVEN MICHAEL SEDILLO**

**A C C U S A T I O N**

13 **15849 Canopy Avenue**  
14 **Chino, CA 91708**

15 **Registered Nurse License No. RN 603096**

16  
17 Respondent.  
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19 Complainant alleges:

20 **PARTIES**

21 1. Louise R. Bailey, M.Ed., RN ("Complainant") brings this Accusation solely in her  
22 official capacity as the Executive Officer of the Board of Registered Nursing, Department of  
23 Consumer Affairs.

24 2. On or about July 31, 2002, the Board of Registered Nursing, Department of  
25 Consumer Affairs ("Board") issued Registered Nurse License No. 603096 to Steven Michael  
26 Sedillo ("Respondent"). The Registered Nurse License was in full force and effect at all times  
27 relevant to the charges brought herein and will expire on February 29, 2012, unless renewed.  
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## JURISDICTION

3. This Accusation is brought before the Board, under the authority of the following laws. All section references are to the Business and Professions Code ("Code") unless otherwise indicated.

4. Section 2750 of the Code states, in pertinent part:

"Every certificate holder or licensee, including licensees holding temporary licenses, or licensees holding licenses placed in an inactive status, may be disciplined as provided in this article [Article 3 of the Nursing Practice Act (Bus. & Prof Code, § 2700 et seq.)]. As used in this article, "license" includes certificate, registration, or any other authorization to engage in practice regulated by this chapter. The proceedings under this article shall be conducted in accordance with Chapter 5 (commencing with Section 11500) of Part 1 of Division 3 of Title 2 of the Government Code [the Administrative Procedure Act], and the board shall have all the powers granted therein."

5. Section 2764 of the Code states:

"The lapsing or suspension of a license by operation of law or by order or decision of the board or a court of law, or the voluntary surrender of a license by a licensee shall not deprive the board of jurisdiction to proceed with any investigation of or action or disciplinary proceeding against such license, or to render a decision suspending or revoking such license."

## STATUTORY PROVISIONS

6. Section 490 of the Code states in pertinent part:

"(a) In addition to any other action that a board is permitted to take against a licensee, a board may suspend or revoke a license on the ground that the licensee has been convicted of a crime, if the crime is substantially related to the qualifications, functions, or duties of the business or profession for which the license was issued.

(b) Notwithstanding any other provision of law, a board may exercise any authority to discipline a licensee for conviction of a crime that is independent of the authority granted under subdivision (a) only if the crime is substantially related to the qualifications, functions, or duties of the business or profession for which the licensee's license was issued.

(c) A conviction within the meaning of this section means a plea or verdict of guilty or a conviction following a plea of nolo contendere. Any action that a board is permitted to take following the establishment of a conviction may be taken when the time for appeal has elapsed, or the judgment of conviction has been affirmed on appeal, or when an order granting probation is made suspending the imposition

of sentence, irrespective of a subsequent order under the provisions of Section 1203.4 of the Penal Code..."

7. Section 493 of the Code states:

"Notwithstanding any other provision of law, in a proceeding conducted by a board within the department pursuant to law to deny an application for a license or to suspend or revoke a license or otherwise take disciplinary action against a person who holds a license, upon the ground that the applicant or the licensee has been convicted of a crime substantially related to the qualifications, functions, and duties of the licensee in question, the record of conviction of the crime shall be conclusive evidence of the fact that the conviction occurred, but only of that fact, and the board may inquire into the circumstances surrounding the commission of the crime in order to fix the degree of discipline or to determine if the conviction is substantially related to the qualifications, functions, and duties of the licensee in question. As used in this section, "license" includes "certificate," "permit," "authority," and "registration."

8. Section 2761 of the Code states in pertinent part::

"The board may take disciplinary action against a certified or licensed nurse or deny an application for a certificate or license for any of the following:

(a) Unprofessional conduct, which includes, but is not limited to, the following:"

"(f) Conviction of a felony or of any offense substantially related to the qualifications, functions, and duties of a registered nurse, in which event the record of the conviction shall be conclusive evidence thereof."

9. Section 2762 of the Code states in pertinent part::

"In addition to other acts constituting unprofessional conduct within the meaning of this chapter [the Nursing Practice Act], it is unprofessional conduct for a person licensed under this chapter to do any of the following:"

"(b) Use any controlled substance as defined in Division 10 (commencing with Section 11000) of the Health and Safety Code, or any dangerous drug or dangerous device as defined in Section 4022, or alcoholic beverages, to an extent or in a manner dangerous or injurious to himself or herself, any other person, or the public or to the extent that such use impairs his or her ability to conduct with safety to the public the practice authorized by his or her license.

(c) Be convicted of a criminal offense involving the prescription, consumption, or self-administration of any of the substances described in subdivisions (a) and (b) of this section, or the possession of, or falsification of a record pertaining to, the substances described in subdivision (a) of this section, in which event the record of the conviction is conclusive evidence thereof."

### REGULATORY PROVISIONS

10. California Code of Regulations, Title 16, section 1444, states, in pertinent part:

"A conviction or act shall be considered to be substantially related to the qualifications, functions or duties of a registered nurse if to a substantial degree it evidences the present or potential unfitness of a registered nurse to practice in a manner consistent with the public health,

safety, or welfare..."

### COST RECOVERY

11. Section 125.3 provides, in pertinent part, that the Board may request the administrative law judge to direct a licentiate found to have committed a violation or violations of the licensing act to pay a sum not to exceed the reasonable costs of the investigation and enforcement of the case.

### FIRST CAUSE FOR DISCIPLINE

(Conviction of a Substantially Related Crime)

12. Respondent is subject to disciplinary action under Code sections 490 and 2761(f), as defined in California Code of Regulations, Title 16, section 1444, in that Respondent has been convicted of a crime substantially related to the qualifications, functions or duties of a registered nurse. The circumstances are as follows:

a. On or about March 22, 2010, in the Superior Court of the State of California, County of Los Angeles, the Respondent was convicted of the crime of driving a vehicle while under the influence of alcohol and/or drugs, in violation of Vehicle Code section 23152(a), as a misdemeanor, and the crime of hit and run involving property damage, in violation of Vehicle Code section 20002(a), as a misdemeanor. The Respondent was sentenced to 23 days in jail and placed on probation for a period of three years. (*People v. Steven Michael Sedillo*, Superior Court of the State of California, County of Los Angeles, 2009, Case No. 9MP13411).

b. The facts and circumstances surrounding the criminal convictions are that on or about November 20, 2009, the Respondent was driving a vehicle and was involved in a vehicle collision causing major damage to another vehicle. Immediately after the collision, the Respondent flees the scene. A witness to the collision follows the Respondent's vehicle and notifies police. California Highway Patrol (CHP) officers respond and find the Respondent stopped on the side of the road approximately one mile away from the scene of the collision. Upon contact, police immediately notice that the Respondent has bloodshot watery eyes, flush face, and an unsteady gait when walking on the sidewalk. The police ask the Respondent about the vehicle collision and the Respondent admits to driving and sideswiping a vehicle.

The Respondent tells the police that after the vehicle collision he looked around but didn't see anyone so he drove off. The Respondent admits drinking "1 beer at a bar located on Hollywood and Highland." While speaking with the Respondent, the police notice a strong smell of an alcoholic beverage emitting from the Respondent's breath. The Respondent is asked to perform Standardized Field Sobriety Tests (SFST), which he fails to perform as explained and demonstrated. The Respondent provides a voluntary breath sample in the Preliminary Alcohol-Screening (PAS) device, with a result of a .135 Blood Alcohol Content (BAC).

## SECOND CAUSE FOR DISCIPLINE

(Unprofessional Conduct – Alcohol Related Criminal Conviction)

13. Respondent is subject to disciplinary action under Section 2761(a) of the Code on the grounds of unprofessional conduct, as defined by Code section 2762(c), in that on or about March 22, 2010, the Respondent was convicted of a crime involving the consumption of alcoholic beverages. The circumstances are as follows:

a. Complainant refers to, and by this reference incorporates, the allegations set forth above in paragraph 12(a) and 12(b), inclusive, as though set forth fully.

### THIRD CAUSE FOR DISCIPLINE

(Unprofessional Conduct - Dangerous Use of Alcohol Beverages)

14. Respondent is subject to disciplinary action under Section 2761(a) of the Code on the grounds of unprofessional conduct, as defined in Code section 2762(b), in that on or about November 20, 2009, the Respondent used and was under the influence of alcoholic beverages, while driving a vehicle that was involved in a vehicle collision, to an extent or in a manner dangerous or injurious to himself and the public. The circumstances are as follows:

a. Complainant refers to, and by this reference incorporates, the allegations set forth above in paragraph 12(a) and 12(b), inclusive, as though set forth fully.

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PRAYER

WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged, and that following the hearing, the Board issue a decision:

1. Revoking or suspending Registered Nurse License No. 603096, issued to Steven Michael Sedillo;
2. Ordering Steven Michael Sedillo to pay the Board the reasonable costs of the investigation and enforcement of this case, pursuant to Business and Professions Code section 125.3; and
3. Taking such other and further action as deemed necessary and proper.

DATED: 12/23/10

*Louise R. Bailey*  
LOUISE R. BAILEY, M.ED., RN  
Executive Officer  
Board of Registered Nursing  
Department of Consumer Affairs  
State of California  
Complainant

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